

REMARKS

This application has been reviewed in light of the Office Action dated January 15, 2004. Claims 1-7, 9-15, 17-23, and 25-27 are pending in this application. Claims 1, 2, 6, 9-11, 14, 17, 18, 22, and 25-27 have been amended to define still more clearly what Applicants regard as their invention. Claims 1, 6, 9, 14, 17, 22, 26, and 27 are in independent form. Favorable reconsideration is requested.

An Information Disclosure Statement and a corresponding Form PTO-1449 were filed on October 24, 2003, as evidenced by a return receipt postcard bearing the stamp of the Patent and Trademark Office, a copy of which is attached hereto. Applicants respectfully request that the Examiner return an initialed copy of the Form PTO-1449, indicating that the references cited thereon were considered.

The Office Action rejected Claims 1, 6, 9, 14, 17, 22, 26, and 27 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement, asserting that the original disclosure does not provide support for the claimed second search means, second search step, and second search computer recitations. Without agreeing with the propriety of this rejection, Applicants have deleted from the claims all references to a second search means, second search step, and second search computer. Applicants believe that this rejection has been obviated, and therefore respectfully request its withdrawal.

The Office Action rejected Claims 1, 9, 17, and 26 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,477,589 (Suzuki et al.); rejected Claims 1-5, 9-13, 17-21, and 26 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,348,971 (Owa et

al.) in view of U.S. Patent No. 6,295,527 B1 (McCormack et al.); rejected Claims 5, 13, and 21 as being unpatentable over U.S. Patent No. 6,430,612 B1 (Iizuka) in view of U.S. Patent No. 5,778,185 (Gregerson), and further in view of the Network Design Manual *The Future of Enterprise Printing* (Network Design Manual); and rejected Claims 6, 7, 14, 15, 22, 23, 26, and 27 as being unpatentable over Owa et al. in view of U.S. Patent No. 6,369,909 (Shima).

Applicants respectfully traverse these rejections.

Applicants submit that amended independent Claims 1, 6, 9, 14, 17, 22, 26, and 27, together with the remaining claims dependent thereon, are patentably distinct from the cited prior art at least for the following reasons.

The aspect of the present invention set forth in Claim 1 is a device searching apparatus that searches for at least one device on a network. The device includes an obtaining means for obtaining a plurality of search conditions, each related to a device function, in order to search for a desired device on the network; a search means for searching for at least one device that satisfies the plurality of search conditions obtained by the obtaining means; and a search control means for controlling the search means to execute searches under the plurality of search conditions obtained by the obtaining means, in response to an input of a search request;

The device of Claim 1 also includes a recognition means for recognizing whether a number of devices, searched by the search means, that satisfy the plurality of search conditions is smaller than a predetermined number, and an output means for outputting a search result based on the searches by the search means. Also, if the recognition means recognizes that the number of devices that satisfy the plurality of search conditions is smaller than the

predetermined number, the search control means controls the search means to add information on one or more previously used devices to the search result.

Among the notable features of Claim 1 are the search means that searches for at least one device that satisfies a plurality of search conditions, and the recognition means that recognizes whether the number of devices that satisfy the plurality of search conditions is smaller than a predetermined number, and if the recognition result is positive, the search means being controlled to add information on one or more previously used devices to the search result.

Suzuki et al. relates to a 1394 network, and discusses searching for at least one printer that satisfies a search condition and then for at least one printer that satisfies another search condition. The results of the searches are displayed distinguishably from each other. Applicants submit, however, that nothing in Suzuki et al. would teach or suggest recognizing whether the number of devices that satisfy a plurality of search conditions is smaller than a predetermined number as in Claim 1; if such recognition result is positive, information on one or more previously used devices is added to the search result, as recited in Claim 1. Accordingly, Applicants submit that at least for these reasons, Claim 1 is patentable over Suzuki et al.

Owa et al., as understood by Applicants, relates to a printing system and printing method for selecting an optimum printing for printing. McCormack et al., as understood by Applicants, relates to a real-time user-defined creation of network device information collections. Applicants have not found anything in Owa et al. and McCormack et al., taken separately or in any proper combination (if any exists), that would teach or suggest the search means, search control means, and recognition means as recited in Claim 1 and discussed above.

Accordingly, Applicants submit that at least for this reason, Claim 1 is patentable over these two patents, whether taken separately or in any proper combination.

Independent Claims 9, 17, and 26 are method, memory medium, and system claims, respectively, that correspond to apparatus Claim 1, and are believed to be patentable over the cited prior art for at least for the same reasons as discussed above in connection with Claim 1.

The aspect of the present invention set forth in Claim 6 is a device searching apparatus that searches for at least one device on a network. The apparatus includes a management means for managing a database that includes identification information for identifying a device on the network and static information associated therewith, an input means for entering a first group of attributes and a second group of attributes, both related to a device function, for searching for at least one desired device on the network, and a search means for searching for at least one device from the database having the first group of attributes entered by the input means and for searching for at least one device from the database having the second group of attributes entered by the input means.

The device of Claim 6 also includes an output means for outputting a search result that includes identification information and static information of a device having at least one of the first and the second groups of attributes, a control means for adding dynamic information to the search result, according to a number of devices having at least one of the first and the second groups of attributes, and a discrimination means for discriminating a device with a high frequency of use, based on the dynamic information, which relates to a use history of devices on the network. In a case in which a number of devices having the first or second group

of attributes is zero, the control means adds to the search result information of the device with the high frequency of use discriminated using the discrimination means.

Among the notable features of Claim 6 are a search means that searches for at least one device having a first group of attributes and at least one device having a second group of attributes from the database, and a discrimination means that discriminates a device with a high frequency of use, and if the number of devices having the first or second group of attributes is zero, the control means adding information on the device with the high frequency of use to the search result.

Owa et al., as mentioned above, relates to a printing system and printing method for selecting an optimum printing for printing. Shima, as understood by Applicants, relates to a print system, printing method, and printer. The Office Action states at page 15 that in Shima, “in a case which a number of devices having first group attributes is zero, said control means adds to the search result information of the device with the high frequency of use discriminated using said discrimination means” (citing col. 15, lines 49-55).

Applicants submit that according to this passage, if no printer is specified as a destination, a suitable printer is selected from printers remaining in a standby condition. Applicants submit that nothing has been found in this section, or any other section of Shima, that would teach or suggest that a control means, “in a case in which a number of devices having the first or second group of attributes is zero, adds to the search result information of the device with the high frequency of use discriminated using said discrimination means” as recited in Claim 6.

Accordingly, Applicants submit that at least for this reason, Claim 6 is patentable over the cited

prior art, when taken separately or in any proper combination.

Independent Claims 14, 22, and 27 are method, memory medium, and system claims, respectively, that correspond to apparatus Claim 6, and are believed to be patentable over the cited prior art for at least for the same reasons as discussed above in connection with Claim 6.

A review of the other art of record, including Iizuka, Gregerson, and the Network Design Manual, has failed to reveal anything that, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as applied against the independent claims herein. Therefore, those claims are respectfully submitted to be patentable over the art of record.

The other rejected claims in this application depend from one or another of the independent claims discussed above, and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

This Amendment After Final Action is believed to place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116.

In any event, however, entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,


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